

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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WEI CHU WANG
on behalf of himself
and others similarly situated,

09-CV-10454 (AKH) (RLE)

**DECLARATION OF
KATHERINE SIU**

Plaintiff,

-against-

SING TAO NEWSPAPERS NEW YORK LTD.
and ROBIN MUI,

Defendants.
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I, Katherine Siu, declare:

1. I am the Marketing & Advertising Manager for Sing Tao Newspapers New York Ltd. In this capacity I oversee the Advertising Sales department and the eleven (11) advertising salespeople who work for Sing Tao Newspapers New York Ltd. Advertising salespeople are also known as Account Executives.

2. As the manager in charge of advertising sales for the paper, I have personal knowledge of both the job duties and responsibilities of the advertising salespeople. I also have the opportunity to observe their job activities on a regular basis.

3. Sing Tao Newspapers New York Ltd. is the publisher of Sing Tao Daily, East Week, Sing Tao Weekly, and the U.S. City Post. Until January 2009, Sing Tao also published The New Continent. Advertising salespeople sell advertisements for all of Sing Tao's publications. Types of advertisements include display ads, directory ads, classified ads, advertorials and pre-print inserts. In addition, advertising salespeople solicit and recruit sponsorship for Sing Tao's numerous annual advertising and marketing events such as the International Kite Festival, Chinese New Year Celebration and Dragon Boat Festival.

4. The job duties of an advertising salesperson, as detailed in the job description, include: to solicit and maintain ad sales for the publications by planning and suggesting advertising strategies, campaigns, and budgets to existing and prospective clients; to solicit and recruit sponsorships for the Company's advertising and marketing projects; to act as a liaison between clients and the Company, to represent the Company in professional manner; to create sales letters, proposals and presentations to initiate ads and follow-up on sales calls; to design ad layout, create copy, and present and gain approval for clients' ads; and to collect advertising payments.

5. The primary duty of an advertising salesperson is to engage in face-to-face solicitation to develop and maintain ad sales for Sing Tao's publications. To maximize sales, I expect advertising salespeople to be out of the office calling on stores/businesses, marketing managers, advertising agencies and prospects for the majority of each workday, or out of the office in search of new clients to sell advertising space for one of our publications or event sponsorships. In addition, I expect advertising salespeople to keep regular contact with their advertisers to maintain good business relationships and build their sales network.

6. Because advertising salespeople are expected to be away from the office selling ads spaces to clients, developing client relationships, or providing other related services, such as attending clients' press conferences, photo shooting, attending trade shows or social networking events, they are not required to come to the office to "punch out" at the end of the workday.

7. My office is located in the advertising department and, as such, I have the opportunity to observe the advertising salespeople. It is my observation that they are regularly out of the office traveling to and meeting with prospective and/or current clients for more than half of the workday. Depending on the needs of their clients, an advertising salesperson may be out of the office visiting clients for an entire workday.

8. Advertising salespeople are located throughout the New York City area and are based in either Queens (Flushing), Brooklyn or Manhattan (Chinatown). The geographic

location of an advertising salesperson is determined by the needs of the clients they service. Each advertising salesperson services a different set of clients.

9. The hours of work for advertising salespeople vary based upon their geographic location, which is based upon the location and needs of their clients.

10. Advertising salespeople are compensated through a base salary and commissions. The amount of commission an advertising salesperson may earn is unlimited. Advertising salespeople also typically receive a bonus each year, as well as paid vacation and other benefits.

11. Advertising salespeople operate with a great deal of autonomy and flexibility. They exercise discretion and independent judgment regarding scheduling their workday, managing their client accounts, preparing plans for existing or prospective clients, and negotiating advertising contracts and pricing.

12. I supervised the named plaintiff, Wei Chu Wang, from October 2007 until his termination in August 2008.

13. Mr. Wang was terminated because he abandoned his job by not returning from approved vacation. Mr. Wang wanted to go to China from July 30, 2008 to August 29, 2008 to see the Summer Olympics. Well before his desired vacation began, I informed Mr. Wang that, pursuant to the newspapers policies, the business needs of the paper and the needs of his clients, he was approved for vacation from July 30 – August 12, but he was not approved for additional days off from August 14 – August 29. Mr. Wang was told in writing by Sing Tao management that he was to return to work on August 14, 2008. Despite this direction, Mr. Wang did not return to work until September 1, 2008. Due to his failure to return to work after his approved vacation, Mr. Wang was terminated.

14. Throughout his employment, Mr. Wang also had numerous complaints from clients and coworkers regarding everything from causing discomforts to other employees, to falsifying a client signature on a sale contract, to verbal abuse and threats to management.

15. In addition, instead of collecting payment from a client for advertisements placed in the newspaper, Mr. Wang admitted to me verbally and in writing that he personally took from

the client as "payment" for the ads three thousand dollars (\$3,000) worth of coupons for electronics merchandise. Mr. Wang did not give the coupons or electronics to Sing Tao (and this would have been insufficient payment in any event). Mr. Wang did not admit he had taken the coupons from the client until the client told me what had occurred.

16. Also, Mr. Wang was specifically told by the Administration Department that he was not to be at the office on the weekends or after work hours. This was following a complaint received by a co-worker that she was disturbed by Mr. Wang walking around the office on a Saturday in his underwear. There were other complaints received by management regarding Mr. Wang and his display of underwear in the workplace.

17. Prior to his termination, Mr. Wang received multiple verbal and written warnings regarding his violations of company policy, without improvement.

18. I am also aware that after he was hired, Mr. Wang's probation was extended three times due to performance issues, which is very unusual.

19. Since his termination, I have attempted to collect the amounts that are "past due" on Mr. Wang's former accounts. Some of these clients told me that they paid Mr. Wang directly for the ads they placed. Mr. Wang did not turn over any monies for these ads to the newspaper.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on March 20, 2010, in New York, New York.



KATHERINE SIU